

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

RUN THEM SWEET, LLC

Plaintiff,

VS.

CPA GLOBAL LIMITED, et al.,

Defendants.

Case No. 1:16 CV 1347

## JOINT DISCOVERY PLAN

The parties hereby submit this Joint Discovery Plan pursuant to Rule 26 of the Federal Rules of Civil Procedure, Local Civil Rule 26 and this Court's Order dated October 28, 2016:

1. On November 9, 2016, and then again on November 14, 2016, the parties conferred prior to the initial pretrial conference to consider the claims, defenses, possibilities of a prompt settlement or resolution of the case, trial before a Magistrate Judge, to arrange for the disclosures required by Rule 26(a)(1), and to develop a discovery plan which will complete all fact and expert discovery by Friday, March 10, 2017.

2. **Settlement:** The parties will cooperate to schedule a settlement conference before a Magistrate Judge, or mediation before a private mediator, if, as the case proceeds, a settlement conference or mediation would appear to be beneficial.

3. **Magistrate Judge:** The parties do not wish to proceed before a United States Magistrate Judge.

4. **Initial Disclosures**: The parties will exchange their Fed. R. Civ. P. 26(a)(1) disclosures by December 23, 2016. The parties agree to update their disclosures pursuant to Rule 26(e) as to any information or documents known to them as such information becomes available and will update their disclosures no later than 2 weeks before the close of discovery, unless information becomes known only after that time.

5. **Preservation of Discoverable Materials**: The parties have confirmed that they are taking all reasonable steps necessary to preserve all discoverable material.

6. **Discovery of Electronically Stored Information (“ESI”)**: The parties agree that, due to the cost of such discovery and the benefits thereof, they will undertake production of ESI in an efficient and judicious manner. As required by Fed. R. Civ. P. 26(f)(3), the parties have discussed discovery of ESI and have agreed to the following:

- a. The parties agree to work together to create a list of search terms to identify documents relevant to the issues in this case, and to identify appropriate custodians.
- b. The parties will also work together to agree upon the appropriate metadata fields to accompany production of ESI.
- c. Electronic documents will be produced in single-page TIFF image format with corresponding load files indicating the beginning and end of each document and identifying the Bates ranges for each document.
- d. Electronic documents may be produced on media such as DVD-ROMs, CD-ROMs, portable hard drives, or through an FTP site.
- e. Paper documents may be produced in either hard copy or electronic form.

To the extent additional issues are identified with respect to the production of ESI, the parties agree to negotiate in good faith to resolve those differences.

7. **Expert Witness Disclosures:** The plaintiff will serve disclosures of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) no later than January 10, 2017. The defendants will serve disclosures of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) no later than February 8, 2017. Plaintiff shall disclose any rebuttal expert evidence pursuant to Fed. R. Civ. P. 26(a)(2) and Local Civil Rule 26(D) no later than February 24, 2017.

8. **Discovery Deadlines:** Pursuant to the Court's Order dated October 28, 2016, all fact and expert discovery will be completed by Friday, March 10, 2017. The parties agree that interrogatories, requests for admissions, and requests for documents must be served no later than Wednesday, February 8, 2017 to be subject to a motion to compel, and no later than Wednesday, February 8, 2017 to warrant a response.

9. **Claim of Privilege or Protection of Trial Preparation Materials:** The parties have agreed that an inadvertent production or disclosure of materials subject to a claim of privilege or work product shall not cause a waiver of such privilege or protection. In the event that either party inadvertently produces documents or materials subject to a claim of such privilege or protection, the producing party will identify the inadvertent disclosure and the receiving party will promptly return the materials. Each party will also produce a log of all documents withheld on the basis of attorney client privilege or other evidentiary privilege or doctrine. Privileged documents that are dated after the filing of the complaint in this action will not be logged.

10. **Protective Order:** The parties will submit a stipulated protective order to the Court on or before December 16, 2016, or, should they fail to agree, they will file by that date any motions for entry of a protective order, noticed for hearing as soon thereafter as practicable.

11. **Email Service:** For any pleadings that are non-confidential and that are filed with the Court using the ECF system, the parties agree to accept service via the ECF system. For any portion of the pleadings that are confidential and that are filed with the Court under seal, the parties agree to accept service by email. The parties further agree to serve un-redacted copies of pleadings that are confidential and that are filed under seal at approximately the same time the non-confidential documents are filed with the Court using the ECF system. If the transmission of voluminous pleadings or other materials as an email attachment is impractical, those materials will be served overnight delivery via a service with the ability to “track” deliveries and verify receipt. The parties agree to exchange electronic copies of discovery requests in Word format, along with PDF format.

12. The parties have discussed all other items required to be discussed by Rule 26(f).

SEEN AND AGREED:

/s/ Geoffrey A. Neri

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 23, 2016, a true and correct copy of the foregoing was filed electronically with the clerk of this Court using the CM/ECF system, and in accordance with Local Rules. This filing will cause a copy of the same to be served, via a Notice of Electronic Filing, upon counsel of record in this matter who has consented to electronic service.

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